



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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TRISHA N. SEVERSON,

Plaintiff,

-v-

C. MASSIELO, CALEB CUTTING, MATTHEW K. MORAN,

DYLAN BOWSER, MATTHEW THOMAS, MICHAEL D.

DONALIS, THOMAS J. DOUGHERTY, GREGORY RULDOPH,

MICHAEL WILLIAMS

Defendants,

21-CV-6680-FPG

AMENDED CLAIM

## INTRODUCTION

*Pro se* Plaintiff is false, in-fact "Plaintiff" is a natural woman.

### I. Amended Claim

The Plaintiff notes lack of due process of law, in the alleged pending criminal proceedings by Livingston County Sherriff's office, and employees. Were adequate action taken by York town court, and bad actor administrators masquerading as "judges". Plaintiff would have no need to bring forth this claim.

See III. Leave to File an Amended Complaint paragraph 2 (ORDER page 11)

The court notes that, even if Plaintiff's claims were adequately pled at this stage of litigation, her action would need to be stayed pending the resolution of her underlying criminal proceedings 20011005 case.

### DISMISSED WITH PREJUDICE

The law provides that if the People are not ready for trial within "ninety days of the commencement of a criminal action wherein the defendant is accused of one or more offenses, at least one of which is a misdemeanor punishable by a sentence of imprisonment of more than three months and none of which is a felony," a motion to dismiss based upon statutory speedy trial grounds must be granted. C.P.L. § 30.30(1)(b). Here, the remaining charges before this Court are misdemeanors for which the People must be ready for trial within ninety (90) days of the commencement of the criminal action. C.P.L. § 30.30 (1)(b). In determining whether the People have met their statutory obligation under speedy trial time constraints, the Court must compute the time between the filing of the accusatory instrument and the People's statement of readiness, subtracting any periods of delay that are excludable under C.P.L. § 30.30(4), while adding any post-readiness period of delay for which no statutory exclusions apply. *People v. Cortes*, 80 NY2d 201, 208 (1982).

Unlawful Arrest on November 13, 2020 "appearance" occasions including December 2020, January, and February 2021. Well outside of the ninety (90) allowable days to have speedy trial initiated.

Furthermore

On January 1, 2020, new legislation in New York took effect that imposed additional requirements on the prosecution which replaced C.P.L. Article 240 with C.P.L. Article 245, and the law now requires that the People file a Certificate of Compliance when they have provided automatic discovery [C.P.L. § 245.30(1)] in order to be deemed ready for trial pursuant to C.P.L. § 30.30. *People v. Ramirez-Correa*, 71 Misc 3d 570 (NY Crim. Ct. February 25, 2021). For instance, C.P.L. § 30.30(5) provides that when the People state their readiness for trial, "the court shall make inquiry on the record as to their actual readiness . . . [and] any statement of trial readiness must be accompanied or preceded by a certification of good faith compliance with the disclosure requirements of section 245.20 of this chapter and the defense shall be afforded an opportunity to be heard on the record as to whether the disclosure requirements have been met." C.P.L. § 30.30(5). Moreover, C.P.L. § 30.30(5-a) - which relates to the facial sufficiency of an accusatory instrument - provides:

Upon a local criminal court accusatory instrument, a statement of readiness shall not be valid unless the prosecuting attorney certifies that all counts charged in the accusatory instrument meet the requirements of sections 100.15 and 100.40 of this chapter and those counts not meeting the requirements of sections 100.15 and 100.40 of this chapter have been dismissed.

When was the Certificate of Compliance filed, and the statement of readiness? Plaintiff has yet to receive a copy, Plaintiff asserts Certificate of Compliance and statement of readiness were not completed or entered onto record. As of the date of mailing March 28, 2022 five hundred (500) days has elapsed, far exceeding the ninety (90) days allowable for the People to be ready for trial.

DISMISSED WITH PREJUDICE

Personal jurisdiction was challenged upon inception of case ergo "justice Koch, and Thomas" were required to DISMISS the case WITH PREJUDICE in favor of the defendant per *Morris vs. Gilmer* 129 US 315 (1889). Failure to do so has rendered immunity void for justice Koch, and Thomas.

## B. Plaintiff's Claims

### 1. False Arrest and Imprisonment

"Under New York law, the elements of a false arrest are (1) the defendant intended to confine [the plaintiff], defendants intended to confine Trisha (2) the plaintiff was conscious of the confinement, Trisha was conscious of the confinement (3) the plaintiff did not consent to the confinement, Trisha verbally did not consent at least six (6) times to confinement in once in custody in the Livingston County Sheriff's SUV Caleb Cutting and Cheyene , and unwarranted search of the flex (4) the confinement was not otherwise privileged.

"Where arresting officer has probable cause to believe that a traffic violation occurred or was occurring in the officer's presence, and was authorized by state and municipal law to effect a custodial arrest for the particular offense, the resulting arrest will not violate the Fourth Amendment."

[https://dictionary.findlaw.com/definition/traffic.html#:~:text=traffic%20n,usually%20comm  
ercial%20activity%20%5Bthe%20drug%20%5D](https://dictionary.findlaw.com/definition/traffic.html#:~:text=traffic%20n,usually%20commercial%20activity%20%5Bthe%20drug%20%5D)

traffic n

*often attrib*

**1 a** : import and export trade

**b** : the business of bartering or buying and selling

**c** : illegal or disreputable usually commercial activity [the drug ]

**b** : the business of transporting passengers or freight

Cheyene Massielo, and all named officers did not indicate the US Department of Transportation number on any ticket or subsequent court documents.

A Department of Transportation (DOT) number is **a number the Federal Motor Carrier Safety Administration, or FMCSA, assigns to registered commercial vehicles**. All carrier vehicles that weigh more than a certain amount, carry specific amounts of paying passengers or operate between state lines require DOT numbers.

[https://www.uscomplianceservices.org/what-is-a-dot-](https://www.uscomplianceservices.org/what-is-a-dot-number/#:~:text=A%20Department%20of%20Transportation%20(DOT,state%20lines%20require%20DOT%20numbers)

[number/#:~:text=A%20Department%20of%20Transportation%20\(DOT,state%20lines%20require%20DOT%20numbers](https://www.uscomplianceservices.org/what-is-a-dot-number/#:~:text=A%20Department%20of%20Transportation%20(DOT,state%20lines%20require%20DOT%20numbers)Is it the courts position that a woman is no longer innocent until proven guilty as officers' word is taken at a higher standing. Regardless of lacking video evidence, and to the contrary there is video/audio evidence that implicates at least three officers committed perjury?

CONSENT TO BE CONFINED WAS DENIED AT INSEPTION OF THE UNWARRANTED INTERACTION on November 13, 2020, instigated by C. Massielo. Acting as Department of Transportation officer infringing on the flow of commerce, without authority granted to interfere in non-commerce activities.

#### **RELIEF**

#### **49 US CODE 46507**

An individual shall be fined under title 18, imprisoned for not more than 5 years, or both, if the individual—

**(1)**

knowing the information to be false, willfully and maliciously or with reckless disregard for the safety of human life, gives, or causes to be given, under circumstances in which the information reasonably may be believed, false information about an alleged attempt being made or to be made to do an act that would violate section 46502(a), 46504, 46505, or 46506 of this title; or

**(2)**

**(A)**

threatens to violate section 46502(a), 46504, 46505, or 46506 of this title, or causes a threat to violate any of those sections to be made; and

**(B)**

has the apparent determination and will to carry out the threat. 18 US Code § 241- Conspiracy against rights. All officers involved are guilty of...

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

As I was kidnapped along with many others over the course of several years, I will require the sentence to be death, for all officers involved, in every case that is investigated and found to have kidnapped a man or woman.

## **2. Illegal Search and Seizure**

(ORDER page 9) "Here, Plaintiff has not alleged sufficient facts for the Court to ascertain whether any alleged search and seizure was unreasonable."

Boyd Vs. United States "a search and seizure [was] equivalent [to] a compulsory production of a man's private papers" and that the search was "an 'unreasonable search and seizure' within the meaning of the Fourth Amendment."

Sitting in the back of a Livingston County Sheriff's car with expressed verbal objection at least six (6) times "I do not consent". False arrest and imprisonment without articulation of crime committed, or a corpus delicti, and warrant.

Sherar v. Cullen, 481 F. 945 unwarranted search, and seizure of Plaintiff, and her property is the crime committed by Livingston County Sheriffs employees. C. Massiello, Caleb Cutting, Matthew K. Moran, Dylan Bowser, Matther Thomas, Michael D. Donalis, Thomas J. Dougherty, Gregory Ruldolph, Michael Williams

## **LAW OF THE LAND**

### **Sixteenth American Jurisprudence**

#### **SECTION 177**

"The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid; one must prevail." This is succinctly stated as follows:

"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality

dates from the time of its enactment, and not merely from the date of the decision so branding it. As unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted."

"Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it..."

"A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, in so far as a statute runs counter to the fundamental law of the land, it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

Any court, government or government officer who acts in violation of, in opposition or contradiction to the foregoing, by his, or her, own actions, commits treason and invokes the self-executing Sections 3 and 4 of the 14th Amendment and vacates his, or her, office. It is the duty of every lawful American Citizen to oppose all enemies of this Nation, foreign and DOMESTIC

Madison. Marbury v. Madison- all alleged "charges" from case 2011005, pending, and fictitiously added recently or in the future are null and void.

**Brevot v. New York City Department of Education**

Immediate injunction for case 2011005 to be dismissed with prejudice.

April 5, 2022

Trisha Severson

A handwritten signature in black ink, appearing to read "Trisha Severson", written in a cursive style.